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APPLICATION NO.	F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/680,139 10/08/2003		Nobuhiko Fujimori	Q77819	5094			
23373	7590	06/08/2006		EXAMINER			
SUGHRUI	•	PLLC IA AVENUE, N.W.	SHEEHAN	SHEEHAN, JOHN P			
SUITE 800	SILVAN	IA AVENUE, N.W.	ART UNIT	PAPER NUMBER			
WASHING	TON, DC	20037		1742			
				DATE MAILED: 06/08/2006	DATE MAILED: 06/08/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be a waitined under the provision of 37 CFR 1-38(a), in no went, however, may a reply be timely filled. If NO period for reply is specified above, the maximum statutory period will apply and will acply and will acply and will apply and will acply and acply					<i>4</i> ~
Examiner John P. Sheehan 1742 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be evaluable under the provision of 37 CFR 1.136(a). Inno event, however, may a repty be timely filed in the provision of 37 CFR 1.136(a). Inno event, however, may a repty be timely filed of the time of the provision of 37 CFR 1.136(a). Inno event, however, may a repty be timely filed on the mailing date of this communication. Failure to repty visible to easy to avoid time from the mailing date of this communication. Failure to repty visible to easy the visible of the provision of the terminal and the repty visible to expect the provision of the terminal and the repty visible to expect the provision of the terminal and the repty visible to expect the provision of the communication, even if timely filed, may reduce any exemple patent term dejustrent. See 37 CFR 1.74(b). This action is FINAL. 2b) I This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.25 is/are pending in the application. 4) Claim(s) 1.26 is/are pending in the application. 5) Claim(s)			Application No.	Applicant(s)	
John P. Sheehan 1742			10/680,139	FUJIMORI ET AL.	
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Edeminant of time may be available under the provision of 30° ER 1.13(6). In a ceven, however, may a reply be limby field after 50 K(6) MONTHS from the mailing date of this communication. I FIX Operiod to reply is specified bords. The amendment address provided will apply and will apply and will apply and will apply and will apply the limby field after 50 K(6) MONTHS from the mailing date of the communication. Any reply received by the Office later than three mailing date of this communication, over if limby filled, may reduce any seamed patent term adjustment. See 37 CFR 1.794(b). Status 1)② Responsive to communication(s) filled on 27 March 2006. 2a)□ This action is FINAL. 2b)② This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)② Claim(s) 1.25 is/are pending in the application. 4a) Of the above claim(s) 21.25 is/are withdrawn from consideration. 5□ Claim(s) is/are allowed. 6)② Claim(s) 1.20 is/are rejected. 7□ Claim(s) is/are allowed. 6)② Claim(s) is/are objected to by the Examiner. 10)□ The drawing(s) filled on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)③ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)		Office Action Summary	Examiner	Art Unit	
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.30(a). In no event, novemer, may a reply be timely filled. - Exhaustics of time may be available under the provisions of 37 CFR 1.30(a). In no event, novemer, may a reply be timely filled. - Fallweit or reply is specified above, the maximum statutory profets will apply and will explore the mailing date of this communication. - Fallweit or reply is specified above, the maximum statutory profets will apply and will explore the mailing date of this communication. - Fallweit or reply is specified above, the maximum start the mailing date of this communication, even all timely filled, may reduce any exempts present term saliplament. See 37 CFR 1.704(b). - Fallweit or reply is specified and the three morning and the communication, even all timely filled, may reduce any exempts present term saliplament. See 37 CFR 1.704(b). - Status 1) Responsive to communication(s) filled on 27 March 2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.25 is/are pending in the application. 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration. 5) Claim(s) 1.25 is/are pending in the application. 4a) Claim(s) 1.25 is/are pending in the application. 5) Claim(s) 1.25 is/are rejected. 7) Claim(s) 1.25 is/are rejected. 7) Claim(s) 1.26 is/are rejected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The drawing(s) filed on 1.5 fare: a) 1.25 accepted or b) 0.25 bjected to by the Examiner. Application Papers 10) The drawing(s) filed on			John P. Sheehan	1742	
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of tem may be available under the provisions of 37 CFR 1.30(8). In or event, however, may a reply be be limby filed after \$IX (8) MONTHS from the mailing date of this communication. If NO princip for reply is specified above, the maceniar estudiety period will purple SIX (8) MONTHS from the mailing date of this communication. Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(6). Status 1) ☑ Responsive to communication(s) filed on 27 March 2006. 2a) ☑ This action is FINAL. 2b) ☑ This action is replication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration. 5) ☑ Claim(s) 1-26 is/are elected. 7) ☑ Claim(s) 1-26 is/are elected. 7) ☑ Claim(s) 1-26 is/are elected. 8) ☑ Claim(s) 1-29 is/are rejected. 7) ☑ Claim(s) 3-3 is/are objected to by the Examiner. 4pplication Papers 9) ☑ The specification is objected to by the Examiner. 10) ☑ The drawing(s) filed on 3-3 is/are: a) ☑ accepted or b) ☑ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☑ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☑ Some * o) ☑ None of: 1. ☑ Certified copies of the priority documents have been received in this National Stage application from th	Period f		pears on the cover sheet with the o	correspondence address	
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Paper No(s)/Mail Date 12/05 & 4/04. (PTO-1449 or PTO/SB/08) Other:		mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date <u>12/05 & 4/04</u> .		Patent Application (PTO-152)	

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I claims 1 to 20 in the reply filed on March 27, 2006 is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1 to 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimura et al. (Fujimura '651, US Patent No. 5,645,651).

Fujimura '651 teaches sintered rare earth permanent magnets alloys having a composition that overlaps the alloy composition recited in applicants' claims (column 3, lines 13 to 32) including copper, nitrogen, oxygen and phosphorus (column 9, lines 1 to 8).

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Fujimura '651 and the claims differ in that Fujimura '651 does not teach the exact same proportions as recited in the instant claims.

However, one of ordinary skill in the art at the time the invention was made would have considered the invention to have been obvious because the alloy proportions taught by Fujimura '651 overlap the instantly claimed proportions and therefore are considered to establish a prima facie case of obviousness. It would have been obvious to one of ordinary skill in the art to select any portion of the disclosed ranges including the instantly claimed ranges from the ranges disclosed in the prior art reference, particularly in view of the fact that;

"The normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the optimum combination of percentages", In re Peterson 65 USPQ2d 1379 (CAFC 2003).

Also, In re Geisler 43 USPQ2d 1365 (Fed. Cir. 1997); In re Woodruff, 16 USPQ2d 1934 (CCPA 1976); In re Malagari, 182 USPQ 549, 553 (CCPA 1974) and MPEP 2144.05.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Sheehan whose telephone number is (571) 272-1249. The examiner can normally be reached on T-F (6:45-4:30) Second Monday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John P. Sheehan Primary Examiner Art Unit 1742

jps